

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
) v.) Criminal Action No.
) 04-6012-01-CR-SJ-SOW
DANIEL L. GADDY,)
)
) Defendant.)

REPORT AND RECOMMENDATION

On September 20, 2004, defendant moved for a judicial determination of mental competency. Defendant was examined by John Wisner, M.D., a psychiatrist. On October 13, 2004, a second psychological exam was ordered. On January 6, 2005, I held a competency hearing. Defendant was found not competent and was sent to a medical facility for treatment. A second competency exam was held on September 19, 2005. Defendant was present, represented by Assistant Federal Public Defender Steve Moss. The government was represented by Assistant United States Attorney Paul Becker. The parties stipulated to the contents and findings of Robert⁵ Lucking, M.D., and Angela Walden-Weaver, Ph.D. (Tr. at 2-3).¹

¹"Tr". refers to the transcript of the competency hearing.

Based upon the uncontroverted evidence stipulated to by the parties in this case, I find that the defendant is competent to stand trial and to assist in his defense. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding defendant competent to stand trial and to assist in his defense.

It is

ORDERED that each party has until September 22, 2005, to file and serve specific objections (Tr. at 3).

/s/ Robert E. Larsen

ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
September 21, 2005